

## REMARKS

In light of the advisory action dated January 15, 2004, applicants hereby request continued examination.

Reconsideration of the rejection of claims 1-10 under 35 USC 112, first paragraph, is respectfully requested in view of the amendments above wherein the reference to a "central portion" has been removed. It is now clear that an upper surface of a portion of the separator disk lies just below the upper surface of the red blood cells. Such structure is fully disclosed and does not represent new matter.

Reconsideration of the rejection of claims as unpatentable over Levine or Ayres is respectfully requested.

Ayres is directed to a system having a sealant between two cylinders of different densities and arranged so that the sealant is squeezed between the cylinders during centrifugation. It appears that the sealant itself is ultimately located at the boundary between the fluids to be separated. Thus, there is no surface that can be in contact with the red blood cells as now claimed. The Ayres device is not designed to facilitate removal of the maximum number of platelets or other components that lie just above the red cell layer and results in a coarse division of the layers because the upper disc extends above the boundary. Thus, Ayers does not show the invention claimed and would not have led one of ordinary skill in the art to the invention.

The Levine patent is also directed to structure that results in a coarse division of components and has no teaching whatsoever of the presently claimed device. Levine simply shows a series of discs that serve as "markers," which visually divide a fluid into regions based on density, but there is no teaching of structure that separates the layers

as claimed to increase the efficiency of the separation and provide superior results.

Thus, Levine would not have led one of ordinary skill in the art to the invention.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

Enclosed is a check in the amount of \$770. Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,  
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Conrad Clark", written in a cursive style.

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